

Absent-excused: Parker, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker, Sims.

#### **SENATE BILL 21 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 21**, Relating to the notification of certain county and district officers before an order of parole of, or on a grant of clemency for, certain convicted persons.

The bill was read second time and was passed to engrossment viva voce vote.

#### **SENATE BILL 21 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 21** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Parker, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Parker, Sims.

#### **SENATE RULE 103 SUSPENDED**

On motion of Senator Mauzy and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Jurisprudence might consider the following resolutions tomorrow at 10:30 o'clock a.m.:

**H.C.R. 6**

**S.C.R. 16**

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:43 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

#### **ELEVENTH DAY**

(Wednesday, September 24, 1986)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sims, Truan, Washington, Whitmire.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

A quorum was announced present.

Senator Ted Lyon offered the invocation as follows:

Dear Heavenly Father, let us go home. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVES OF ABSENCE**

Senator Sharp was granted leave of absence for today on account of important business on motion of Senator Edwards.

Senator Traeger was granted leave of absence for today on account of important business on motion of Senator Sims.

Senator Sarpalius was granted leave of absence for today on account of important business on motion of Senator Sims.

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Truan.

Senator Green was granted leave of absence for today on account of important business on motion of Senator Brooks.

#### **REPORTS OF STANDING COMMITTEES**

Senator Jones submitted the following report for the Committee on Finance:

**S.B. 29**

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

**H.C.R. 6**

**S.C.R. 16**

#### **PROCLAMATION FROM THE GOVERNOR**

The President laid before the Senate the following Proclamation from the Governor:

#### **P R O C L A M A T I O N BY THE GOVERNOR OF THE STATE OF TEXAS**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

Under the provisions of Article III, Section 40 of the Texas Constitution, I, Mark White, Governor of Texas, do hereby add to the call of this Third Called Session of the 69th Legislature, now convened, the following:

Legislation relating to the name and powers of water supply corporations.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 22nd day of September, 1986, under the Seal of this State properly attested by the Secretary of State.

/s/Mark White  
Governor of Texas

/s/Myra A. McDaniel  
Secretary of State

The Proclamation was read and was filed with the Secretary of the Senate.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
September 24, 1986

TO THE SENATE OF THE SIXTY-NINTH LEGISLATURE, THIRD  
CALLED SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE A MEMBER OF THE TEXAS OPTOMETRY BOARD:

For a term to expire January 31, 1991:

TERRY BROWN, PH.D.

11414 Cherry Ridge Court

Dallas, Texas 75229

(Dr. Brown is replacing Ms. Marilyn Kay Walls of Cleburne, Johnson County, Texas, whose term expired.)

Respectfully submitted,

/s/Mark White  
Governor of Texas

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
September 23, 1986

Mrs. Betty King  
Secretary of the Senate  
State Senate  
Capitol Building  
Austin, Texas 78701

Dear Mrs. King:

On September 16, 1986, I nominated Mr. Gerald W. Brunette of Mexia for appointment to the Board of Examiners in the Fitting and Dispensing of Hearing Aids for a term to expire December 31, 1991. I request that the Senate return the appointment to this Governor.

Respectfully submitted,

/s/Mark White  
Governor of Texas

**NOMINATION RETURNED**

On motion of Senator Edwards and by unanimous consent, the Senate agreed to grant the request of the Governor to return to him the nomination of Mr. Gerald W. Brunette to be a Member of the Board of Examiners in the Fitting and Dispensing of Hearing Aids.

**MESSAGE FROM THE HOUSE**

House Chamber  
September 24, 1986

HONORABLE W. P. HOBBY  
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 59**, Relating to certain exemptions from cancellation of water rights.

**H.J.R. 3**, Proposing a Constitutional amendment prohibiting the imposition of personal and corporate net income taxes.

**H.C.R. 26**, Honoring Congressman Mickey Leland.

**S.C.R. 18**, Recognizing National School Bus Safety Week.

**S.C.R. 7**, Granting Del E. Webb Corporation permission to sue the State of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

**GUEST PRESENTED**

Senator Brooks was recognized and introduced Dr. Jack Haley of Houston, the Capitol Physician for the Day.

The Senate welcomed Dr. Haley and expressed their appreciation for his service.

(Senator Krier in Chair)

**SENATE CONCURRENT RESOLUTION 17  
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**S.C.R. 17**, Expressing the intent that funds appropriated from general revenue for adult and adult vocational education programs be used only to provide adult basic education, adult bilingual education, high school equivalency, high school credit or related adult skill training programs.

The resolution was read second time and was adopted viva voce vote.

**RECORD OF VOTE**

Senator Sims asked to be recorded as voting "Nay" on the adoption of the resolution.

**COMMITTEE SUBSTITUTE SENATE CONCURRENT RESOLUTION 15  
ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**C.S.S.C.R. 15**, Directing the State Purchasing and General Services Commission to begin immediately after receipt of the long range plan presented by

the Automated Information and Telecommunications Council to provide for the State's telecommunications system after the expiration of the current contract.

The resolution was read second time and was adopted viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 43 ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 43**, Relating to the definition of "agency" in The Interagency Cooperation Act; amending Section 2 of The Interagency Cooperation Act (Article 4413(32), Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 43 ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 43** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

#### **COMMITTEE SUBSTITUTE SENATE BILL 44 ON SECOND READING**

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 44**, Relating to the release of information in certain records maintained by the Department of Public Safety.

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 44 ON THIRD READING**

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 44** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

The bill was read third time and was passed viva voce vote.

#### **HOUSE CONCURRENT RESOLUTION 8 ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**H.C.R. 8**, Granting Medical Computer Systems, Inc., permission to sue the State of Texas and The University of Texas System.

The resolution was read second time and was adopted viva voce vote.

**HOUSE CONCURRENT RESOLUTION 9  
ON SECOND READING**

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**H.C.R. 9**, Granting Elbert H. L. Harrison permission to sue the State of Texas and the Texas Board of Corrections.

The resolution was read second time and was adopted viva voce vote.

**HOUSE BILL 5 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 5**, Relating to the transfer of funds from the state highway fund to the general revenue fund.

The bill was read second time.

Senator Glasgow offered the following amendment to the bill:

Amend **H.B. 5** by striking Section 2 and substituting the following:

**SECTION 2.** On the effective date of this Act, the comptroller of public accounts shall transfer \$17,957,923 from the state highway fund to the tuition shortfall fund, which is created as a special fund in the state treasury. The balance of the tuition shortfall fund is appropriated to the Coordinating Board, Texas College and University System, for the fiscal year ending August 31, 1987, to be used for the purposes described by Rider No. 15, appropriation to the Coordinating Board, Texas College and University System, Senate Bill 1, 69th Legislature, 3rd Called Session, 1986.

**SECTION 3.** (a) This Act takes effect on the later of:

(1) the first day that this Act legally may take effect as provided by Article III, Section 39, of the Texas Constitution; or

(2) the date that the 69th Legislature, at its third called session, enacts legislation increasing the rate of any tax imposed under Chapter 153, Tax Code.

(b) If the 69th Legislature at its third called session does not enact legislation increasing the rate of a tax under Chapter 153, Tax Code, this Act has no effect.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading viva voce vote.

**HOUSE BILL 5 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 1.

Nays: Washington.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 0.

Absent-excused: Green, Sarpalius, Sharp, Traeger, Uribe.

### **SENATE CONCURRENT RESOLUTION 9 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

**S.C.R. 9**, Granting David Wayne Williams permission to sue the State of Texas and the Texas Department of Mental Health and Mental Retardation.

The resolution was read second time and was adopted viva voce vote.

### **HOUSE BILL AND RESOLUTION ON FIRST READING**

The following bill and resolution received from the House were read the first time and referred to the Committee indicated:

**H.B. 59**, To Committee on Natural Resources.

**H.J.R. 3**, To Committee on Finance.

### **SENATE RULE 103 SUSPENDED**

On motion of Senator Santiesteban and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Natural Resources might consider the following bills tomorrow at 9:30 o'clock a.m.:

**S.B. 48**

**H.B. 59**

### **SENATE RULE 103 SUSPENDED**

On motion of Senator Farabee and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on State Affairs might consider **S.B. 50** tomorrow at 10:30 o'clock a.m.

### **MEMORIAL RESOLUTION**

**S.C.R. 19** - By Blake: Memorial resolution for Earl Seastrunk Hines.

### **CONGRATULATORY RESOLUTIONS**

**H.C.R. 20** - (Lyon): Extending congratulations to Dr. Lloyd Reedy.

**H.C.R. 21** - (Brown): Extending congratulations on the occasion of the birth of Lance Mitchell Lormand.

**H.C.R. 22** - (Brooks): Commending Police Officer Gary Chastain of La Porte.

**H.C.R. 23** - (Caperton): Extending congratulations to Dr. Perry Adkisson on being named chancellor of the Texas A&M University System.

**H.C.R. 26** - (Washington): Commending Congressman Mickey Leland.

### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.